



Ordinance No. 1305

An Ordinance Entitled "Medical Marijuana Facilities Act Zoning Update"

THE CITY OF YPSILANTI HEREBY ORDAINS:

That Section 122-203 be amended as follows:

Medical marijuana dispensary or provisioning center means a facility, including a membership club, where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marijuana in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the medical use of marijuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. that sells, supplies, or provides marijuana to registered qualifying patients, directly or through a registered primary caregiver; and as defined by the Michigan Medical Marijuana Facilities Licensing Act, PA 281 of 2016, as amended.

Medical Marijuana Growing/Manufacturing and/or Processing Facility. A facility for the cultivation and/or processing of medical marijuana into a usable form by primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act, as amended. A use which purports to have engaged in the cultivation and processing of medical marijuana into a usable form either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the MDCH, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance and/or State Law. A maximum of five (5) primary caregivers may operate at a medical marijuana growing/manufacturing facility, provided all applicable zoning ordinance standards can be met, and "grower" or "processor" as defined by the Michigan Medical Marijuana Facilities Licensing Act, PA 281 of 2016, as amended.

Medical Marijuana Facility. A "marihuana facility" as defined by the Michigan Medical Marijuana Facilities Licensing Act.

That Section 122-446 be amended as follows:

Medical Marijuana Dispensary Provisioning Center (permitted)

That Section 122-451 be amended as follows:

Medical Marijuana Growing/Manufacturing and/or Processing Facility (special use)

That Section 122-532 be amended as follows:

Sec. 122-532. Medical Marijuana Dispensaries Provisioning Centers.

(a) The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential

~~impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act").~~ **Generally.** Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with ~~the Act or the General Rules~~ the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~

- (b) ~~The following Standards for Medical Marijuana Dispensaries shall~~ Provisioning Centers apply:
- ~~(1) The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - ~~(2) The dispensary provisioning center shall not be located within one thousand (1,000) feet of a school, as measured from the outermost boundaries of the lot or parcel on which the dispensary provisioning center is located and to the outermost boundaries of the lot or parcel on which the school is located;~~
 - ~~(3) The dispensary provisioning center shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary or growing/manufacturing facility as measured from the outermost boundaries of the lot or parcel on which the proposed dispensary medical marijuana facility and to the outermost boundaries of the lot or parcel on which the lawfully existing dispensary or growing/manufacturing medical marijuana facility is located;~~
 - ~~(4) Smoking and/or u~~Use of medical marijuana shall be is prohibited at the dispensary on the premises;
 - ~~(5) All activity related to the dispensary shall be done indoors;~~
 - ~~(6) The premises shall be open for inspection upon request by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.~~
 - ~~(7) Quarterly inspections may be made by the City Official's designee to confirm the dispensary or growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;~~
 - ~~(8) Any medical marijuana dispensary shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.~~

- ~~(9) If the dispensary ceases operation for a length of time of sixty (60) days or greater, the permit shall expire;~~
- ~~(10) Dispensary d-(7) Drive-through and walk-up or similar facilities shall be prohibited;~~
- ~~(11) (8) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;~~
- ~~(12) Application for a Medical Marijuana Dispensary License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Dispensary and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council; All provisioning centers must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;~~
- ~~(13) The police department shall review the proposed application to operate a dispensary regarding public health, safety, and welfare concerns of the proposal;~~
- ~~(14) (9) Growing, or cultivation, or processing of medical marijuana in a dispensary provisioning center is prohibited.~~

That Section 122-532 be amended as follows:

Sec. 122-533. Medical Marijuana Growing/~~Manufacturing and/or Processing~~ Facility.

- (a) ~~The intent of the Zoning Ordinance is to regulate medical marijuana dispensaries and growing/manufacturing facilities by providing for regulations and fees in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Medical Marijuana Act, MCL 333.26421, et seq (hereinafter "Act").~~ **Generally.** Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the Act or the General Rules State of Michigan laws and rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. ~~The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Control Substances Act.~~
- (b) ~~The following standards for Medical Marijuana Growing/~~Manufacturing~~ Growing and/or Processing Facilities shall apply:~~
 - (1) ~~The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time~~ The facility shall operate at all times in compliance with the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein;
 - (2) ~~The growing/manufacturing and/or processing facility site shall not be located within one thousand (1,000) feet of a school, as measured from the outermost~~

boundaries of the lot or parcel on which the growing/~~manufacturing and/or processing~~ facility is located and to the outermost boundaries of the lot or parcel on which the school are is located;

- (3) The growing/~~manufacturing and/or processing~~ facility site shall not be located within a five hundred (500) feet of a lawfully existing medical marijuana dispensary and/or lawfully existing growing/~~manufacturing~~ facility as measured from the outermost boundaries of the lot or parcel on which the proposed growing/~~manufacturing and/or processing~~ facility and to the outermost boundaries of the lot or parcel on which the lawfully existing dispensary or growing/manufacturing medical marijuana facility is located;
- (4) ~~Smoking and/or use of medical marijuana shall be is prohibited on the premises at the growing/manufacturing facility;~~
- (5) All activity related to the growing/~~manufacturing and/or processing~~ facility shall be done indoors;
- (6) The premises shall be open for inspection upon request by the Building Official the Fire Department and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
- ~~(7) Quarterly inspections may be made by the City Official's designee to confirm the growing/manufacturing facility is operating in accordance with applicable laws including, but not limited to, State Law and City Ordinances;~~
- ~~(8) Any medical marijuana growing/manufacturing facility shall maintain a log book and/or database identifying by date the amount of medical marijuana on the premises for each qualifying patient/caregiver, keeping the qualifying patient and caregiver information confidential. This log shall be available to law enforcement personnel to confirm that the medical marihuana dispensary or growing/manufacturing facility does not have more medical marijuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of medical marijuana at the facility. The facility shall maintain the confidentiality of qualifying patients in compliance with the Michigan Medical Marijuana Act, as amended.~~
- ~~(9)~~(7) If the growing/~~manufacturing and/or processing~~ facility ceases operation for a length of time of sixty (60) days or greater, the any Special Use permit shall expire;
- ~~(10)~~ (8) Growing/manufacturing facility dDrive-through and walk-up or similar facilities shall be prohibited;
- ~~(11)~~ (9) All medical marijuana shall be contained within the main building in an enclosed, locked facility in accordance with the Michigan Medical Marijuana Act the General Rules of the Michigan Department of Community Health, the MMMA, the MMFLA, the MTA, as well as any and all administrative rules or regulations contained or adopted under the authority therein, as amended;
- ~~(12)~~ All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;
- ~~(13)~~ (10) That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Ypsilanti Fire Department to insure compliance with the Michigan Fire Protection Code;
- ~~(14)~~ (11) Application for a Medical Marijuana Growing/Manufacturing Facility License shall be made to the City Clerk upon application forms provided by the Clerk for Medical Marijuana Growing/Manufacturing Facility License and signed by the applicant verifying the truth and accuracy of all information and representations in the application. Applications including information and documentation provided pursuant to an application shall be subject to the confidentiality rules

~~under the Act. In addition to information and submittals, the application shall include payment of application fee in an amount set by the City Council. All growing and/or processing facilities must be registered with and licensed by the State Department of Licensing and Regulatory Affairs, as well as be permitted under Chapter 7 of the City Code of Ordinances;~~

- ~~(15) The police department shall review the proposed application to operate a dispensary or growing/manufacturing facility regarding public health, safety, and welfare concerns of the proposal;~~
- ~~(16) (12) The dispensing of medical marijuana at the medical marijuana growing/manufacturing facility shall be prohibited.~~
- ~~(17) (13) There shall be no other accessory uses permitted within the same building, other than those clearly necessary for continued operation, such as offices, employee facilities, and storage.~~

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 3rd DAY OF April, 2018

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1305 was published in the Washtenaw Legal News on the 5th day of March, 2018.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 3rd day of April, 2018.

Frances McMullan, City Clerk

Notice Published: March 5, 2018
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